



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,724	05/08/2001	Douglas LaVell Hale	21303P	3638

7590 12/15/2004
SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

DAVIS, ZACHARY A

ART UNIT PAPER NUMBER

2137

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,724

Applicant(s)

HALE ET AL.

Examiner

Zachary A Davis

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030312.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 206 (see Figure 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The specification appears to contain minor errors. For example, on page 4, line 2, it appears that "the pieces of data 104 has been assigned" is intended to read either "the piece of

data 104 has been assigned" or "the pieces of data 104 have been assigned", and on page 6, line 1, it appears that "do" is intended to read "does".

Appropriate correction is required. Applicant's cooperation is requested in correcting any other errors of which applicant may become aware in the specification.

Claim Objections

3. Claim 24 is objected to because of the following informalities: The claim appears to contain the limitation "validating the session sensitivity level" in both instruction (b2) and instruction (b4). It is unclear if this repetition was intended or in error. Clarification or appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the session sensitivity level" in lines 2-3 of the claim. Claim 26 also recites the limitation "the session sensitivity level" in lines 3-4 of the claim. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al, US Patent 6178505.

In reference to Claim 1, Schneider discloses a method including providing a piece of data with a sensitivity level (column 18, lines 26-27), authenticating a remote user with a clearance level (column 18, lines 59-63), selecting an encryption strength for the data based on the clearance level if the clearance level allows the user to access data with the sensitivity level (column 19, lines 42-50), encrypting the data, and allowing the remote user to access the encrypted data (column 22, lines 1-6).

In reference to Claim 2, Schneider further discloses that each piece of data has a sensitivity level (column 18, lines 26-27).

In reference to Claim 3, Schneider further discloses receiving identification data, authenticating the identification data, and verifying the clearance level (column 18, line 59-column 19, line 30).

In reference to Claim 4, Schneider further discloses receiving a request for access to the data, determining if the clearance level of the user allows access to data with the sensitivity level, and selecting an encryption strength based on the clearance level (column 19, lines 48-67).

In reference to Claim 5, Schneider further discloses receiving identification data, authenticating the identification data, and verifying the clearance level (column 18, line 59-column 19, line 30). Schneider also discloses receiving a request for a session sensitivity level and validating the session sensitivity level (column 18, lines 19-26).

In reference to Claim 6, Schneider further discloses determining if the session sensitivity level allows the remote user to access data with a sensitivity level at or below the user's clearance level (column 18, lines 19-26 and 59-63).

In reference to Claim 7, Schneider further discloses determining data to which the remote user has clearance to access (column 19, lines 48-67) and selecting an encryption strength based on a session sensitivity level (column 18, lines 27-31; column 19, lines 42-47).

In reference to Claim 8, Schneider further discloses selecting encryption strength based on the sensitivity level of the data (column 18, lines 27-31; column 19, lines 48-67).

In reference to Claim 9, Schneider further discloses selecting encryption strength based on a security rating of an output line (column 18, lines 33-58).

In reference to Claim 10, Schneider further discloses blocking access to data for which the remote user does not have clearance (column 20, lines 10-34).

In reference to Claim 11, Schneider discloses a method including providing a piece of data with a sensitivity level (column 18, lines 26-27), authenticating a remote user with a clearance level (column 18, lines 59-63), receiving a request for access to the data, determining if the clearance level of the user allows access to data with the sensitivity level (column 19, lines 48-67), selecting an encryption strength for the data based on the clearance level if the clearance level allows the user to access data with the sensitivity level (column 19, lines 42-50), encrypting the data, and allowing the remote user to access the encrypted data (column 22, lines 1-6).

In reference to Claim 12, Schneider further discloses selecting encryption strength based on the sensitivity level of the data (column 18, lines 27-31; column 19, lines 48-67).

In reference to Claim 13, Schneider further discloses selecting encryption strength based on a security rating of an output line (column 18, lines 33-58).

In reference to Claim 14, Schneider further discloses selecting encryption strength based on a session sensitivity level (column 18, lines 27-31; column 19, lines 42-47).

In reference to Claim 15, Schneider discloses a method including providing data having a sensitivity level (column 18, lines 26-27), receiving a clearance level for a remote user and authenticating the remote user (column 18, line 59-column 19, line 30), receiving a request for a session sensitivity level and validating the session sensitivity

level (column 18, lines 19-26), determining data with sensitivity levels at or below the session sensitivity level to which the clearance level gives the user access (column 18, lines 59-63), selecting an encryption strength based on the session sensitivity level (column 18, lines 27-31; column 19, lines 48-67), encrypting the data, and allowing the remote user to access the encrypted data (column 22, lines 1-6).

In reference to Claim 16, Schneider further discloses determining if the session sensitivity level allows the remote user to access data with a sensitivity level at or below the user's clearance level (column 18, lines 19-26 and 59-63).

In reference to Claim 17, Schneider further discloses selecting encryption strength based on the clearance level of the user (column 19, lines 42-50).

In reference to Claim 18, Schneider further discloses selecting encryption strength based on the sensitivity level of the data (column 18, lines 27-31; column 19, lines 48-67).

In reference to Claim 19, Schneider further discloses selecting encryption strength based on a security rating of an output line (column 18, lines 33-58).

Claims 20-38 are directed to software implementations of the methods of Claims 1-19, and are rejected by a similar rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Alanara et al, US Patent 5594797, discloses a method of encryption with varying security levels.
- b. Khello, US Patent 5724423, discloses a method of user authentication with several security levels using varying encryption algorithms.
- c. Kennedy et al, US Patent 6084968, discloses a security method that includes determining a security level from identifying information in a token.
- d. Chan, US Patent 6473860, discloses a system in which information can be divided into portions that are encrypted with differing security levels.
- e. Ryan, Jr., US Patent 6567913, discloses a system that includes varying security levels based on encryption strength.
- f. Thompson, US Patent 6622050, discloses a device that determines encryption strength based on a classification of the data to be encrypted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZAD
zad

Andrew Caldwell
Andrew Caldwell